

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RETHINK35, et al.,

Plaintiffs,

v.

TEXAS DEPARTMENT OF
TRANSPORTATION,

Defendant.

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CIVIL ACTION NO. 1:24-CV-00092-DII

CERTIFICATION OF THIRD SUPPLEMENT TO THE ADMINISTRATIVE RECORD
DECLARATION OF DOUG BOOHER

I, Doug Booher, declare as follows:

1. I am the Director of the Environmental Affairs Division of the Texas Department of Transportation (TxDOT). I have served in my Director role since 2021. I have been responsible, with others, for assembling the Administrative Record for the Record of Decision for the I-35 Capital Express Central Project from US 290 East to State Highway 71/Ben White Boulevard (“CapEx Central” or “Project”), that is the subject of this litigation.
2. Attached to this Declaration as Exhibit 1 is the TxDOT Index for the Third Supplement to the Administrative Record. The documents in the Third Supplement to the Administrative Record were considered, directly or indirectly, by TxDOT in this decision. These documents are true and correct copies of the original documents located in the files for the Project.
3. The Index and an electronic copy of the documents in the Third Supplement to the Administrative Record are collected and saved onto one flash drive. Two identical flash drives are being delivered to the Clerk’s office, one of which will be routed to the assigned Judge’s Chambers by the Clerk, and two flash drives are being delivered to Plaintiffs’ counsel.

4. I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and I would so testify if called upon to do so in a court of law.

Dated this 9th day of January 2025.

A handwritten signature in black ink, appearing to read "Doug Booher", is written over a horizontal line.

DOUG BOOHER

Director, Environmental Affairs Division
Texas Department of Transportation